

**KOBAYASHI SUGITA & GODA**

BERT T. KOBAYASHI, JR. 659-0  
LEX R. SMITH 3485-0  
THOMAS H. YEE 7344-0  
SUITE 2600, First Hawaiian Center  
999 Bishop Street  
Honolulu, Hawaii 96813  
Telephone: (808) 539-8700  
Fax No. (808) 539-8799  
Email: lrs@ksg.law.com

**KIRKLAND & ELLIS LLP**  
Eric C. Liebeler (CA Bar No. 149504)  
Damian Capozzola (CA Bar No. 186412)  
R. Olivia Samad (CA Bar No. 228611)  
777 South Figueroa Street  
Los Angeles, CA 90017  
Telephone No. (213) 680-8400  
Facsimile No. (213) 680-8500  
Email: [eliebeler@kirkland.com](mailto:eliebeler@kirkland.com)

Attorneys for Defendant  
POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen; ) CIVIL NO. CV03-00385 SOM-LEK  
Plaintiff, ) (Copyright)  
vs. )  
HAWAIIAN EXPRESS SERVICE, ) CERTIFICATE OF SERVICE;  
INC., et al., ) EXHIBIT "A"  
Defendants. )  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 10, 2006, copies of the following were duly served via the Court's electronic transmission facilities, to the parties listed on the attached Exhibit "A":

1. SUPPLEMENTAL DECLARATION OF LEX R. SMITH
2. THE POST-CONFIRMATION TRUST FOR THE FLEMING COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF MR. BERRY'S ALLEGED VENDETTA
3. THE POST-CONFIRMATION TRUST FOR THE FLEMING COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF PRIOR UNRELATED JUDGMENT AGAINST PLAINTIFF AND HIS FINANCES
4. THE POST-CONFIRMATION TRUST FOR THE FLEMING COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF THE LOCATION OF ATLANTIC PACIFIC INTERNATIONAL, INC'S BUSINESS RECORDS
5. THE POST-CONFIRMATION TRUST FOR THE FLEMING COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE TESTIMONY OF JACK BORJA AND RALPH STUSSI
6. DEFENDANT PCT'S OPPOSITION TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE EXPERT TESTIMONY OF JEFFREY KINRICH REGARDING MATTERS NOT CONTAINED IN HIS EXPERT REPORT; DECLARATION OF DAMIAN CAPOZZOLA IN SUPPORT OF DEFENDANT PCT'S OPPOSITION TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE EXPERT TESTIMONY OF JEFFREY KINRICH REGARDING MATTERS NOT CONTAINED IN HIS

EXPERT REPORT; EXHIBITS "A" – "E"

7. DEFENDANT PCT'S RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DEDUCTIBLE EXPENSES AND BARRING ANY TESTIMONY FROM THE PCT'S EXPERTS; DECLARATION OF DAMIAN D. CAPOZZOLA IN SUPPORT OF DEFENDANT PCT'S RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DEDUCTIBLE EXPENSES AND BARRING ANY TESTIMONY FROM THE PCT'S EXPERTS; EXHIBITS "A" – "G"

8. DEFENDANT PCT'S RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE EXPERT TESTIMONY OF BRADLEY DECHTER; DECLARATION OF DAMIAN CAPOZZOLA IN SUPPORT OF DEFENDANT PCT'S RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE EXPERT TESTIMONY OF BRADLEY DECHTER; EXHIBITS "A" – "C"

9. DEFENDANT FLEMING COMPANIES, INC.'S PROPOSED JURY INSTRUCTIONS;

10. CONCISE STATEMENT OF THE CASE TO BE READ DURING VOIR DIRE (PER MAY 2, 2005 AMENDED SCHEDULING ORDER, PARAGRAPH 18); SUGGESTED TOPICS FOR VOIR DIRE

11. DEFENDANT PCT'S TRIAL BRIEF;

12. DECLARATION OF DAMIAN CAPOZZOLA IN SUPPORT OF DEFENDANT PCT'S TRIAL BRIEF; EXHIBITS "A" – "C"

13. PCT'S PROPOSED VERDICT FORMS

14. JOINT EVIDENTIARY OBJECTIONS

DATED: Honolulu, Hawaii, January 10, 2006.

KOBAYASHI, SUGITA & GODA

/s/ Thomas H. Yee

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LEX R. SMITH  
THOMAS H. YEE

KIRKLAND & ELLIS LLP

ERIC C. LIEBELER  
DAMIAN CAPOZZOLA  
R. OLIVIA SAMAD

Attorneys for Defendant  
POST-CONFIRMATION TRUST